

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

SALWAN ALI ABED ALDULAIMI,

Plaintiff,

v.

DEPARTMENT OF JUSTICE, et al.,

Defendants

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Case No. CIV-20-258-SLP

REPORT AND RECOMMENDATION

Plaintiff has filed an Application (Motion) for Leave to Proceed *In Forma Pauperis*. (ECF No. 2). Pursuant to an Order (ECF No. 3) entered by United States District Judge Scott L. Palk the Motion has been referred to the undersigned magistrate judge for disposition. Plaintiff was advised of specific deficiencies found in the Motion. By an Order (ECF No. 4) entered on March 24, 2020, Plaintiff was ordered to cure those specific deficiencies by submitting an amended Application to Proceed in District Court Without Prepaying Fees or Costs on or before April 10, 2020. To date, Plaintiff has neither complied with the Order nor offered any explanation for his failure to do so. In fact, Plaintiff has not responded to the Court's order in any way. Further, there is no indication from the docket that Plaintiff did not receive the Court's previous Order which was mailed to Plaintiff's address of record. *See* ECF No. 4 and Staff Notes dated 3/24/2020; LCvR 5.4(a).

The undersigned finds that Plaintiff's failure to comply with the Court's Order, in light of the Court's right and responsibility to manage its cases, warrants dismissal of this action without prejudice. *See Nasious v. Two Unknown B.I.C.E. Agents at Arapahoe County Justice Center*, 492 F.3d 1158, 1161 n.2, 1162 (10th Cir. 2007) (*sua sponte*

dismissal for failure to comply with Court's orders permitted under federal rules, and court need not follow any particular procedures in dismissing actions without prejudice for failure to comply).

RECOMMENDATION

Based on the foregoing findings, it is recommended that this action be **DISMISSED without prejudice** for Plaintiff's failure to comply with this Court's orders. Plaintiff is advised of his right to file an objection to this Report and Recommendation with the Clerk of Court by **May 7, 2020** in accordance with 28 U.S.C. §636 and Fed. R. Civ. P. 72. Plaintiff is further advised that any failure to make timely objection to this Report and Recommendation waives the right to appellate review of the factual and legal issues addressed herein. *Casanova v. Ulibarri*, 595 F.3d 1120, 1123 (10th Cir. 2010).

This Report and Recommendation **disposes of all issues** referred to the undersigned magistrate judge in the captioned matter.

ENTERED on April 20, 2020.



SHON T. ERWIN
UNITED STATES MAGISTRATE JUDGE